

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JIMMY LYONS, *et al.*,

Plaintiffs,

v.

LITTON LOAN SERVICING LP, *et al.*,

Defendants.

Civil Action No. 1:13-cv-00513-ALC-HBP

Judge Andrew L. Carter, Jr.

Magistrate Judge Henry Pitman

JOINT MOTION TO STAY
OF PLAINTIFFS JIMMY LYONS, JACQUELINE LYONS, AND SHEILA HEARD
AND DEFENDANTS AMERICAN MODERN INSURANCE GROUP, INC. AND
AMERICAN MODERN HOME INSURANCE COMPANY

Plaintiffs Jimmy Lyons, Jacqueline Lyons, and Sheila Heard (the “American Modern Plaintiffs”) and Defendants American Modern Insurance Group, Inc. and American Modern Home Insurance Company (the “American Modern Defendants”) have reached a class action settlement-in-principle of all claims against the American Modern Defendants. To finalize their settlement, and to save the Court’s and the parties’ time and resources, the American Modern Plaintiffs and the American Modern Defendants move for a 60-day stay of all claims against the American Modern Defendants.

“[T]he power to stay proceedings is incidental to the power inherent in every court to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants.” *Louis Vuitton Malletier S.A. v. LY USA, Inc.*, 676 F.3d 83, 96 (2d Cir. 2012) (quoting *Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936)). The Court should exercise that power here, as a 60-day stay would allow the American Modern Plaintiffs and the American Modern Defendants to execute a complete settlement agreement and to file a motion for preliminary approval of class settlement. The pending settlement would eliminate the need for

the Court to resolve the American Modern Defendants' pending motion to dismiss (ECF No. 157) and any future dispositive or class-certification motions involving the American Modern Defendants. It also would ensure that the parties do not engage in unnecessary, costly discovery. For these reasons, the American Modern Plaintiffs and the American Modern Defendants respectfully request that the Court grant this motion and stay all claims, deadlines, and briefing schedules as to the American Modern Defendants for 60 days.

Respectfully submitted October 13th, 2015.

/s/ Peter A. Muhic

Barbara J. Hart (BH-3231)
David Harrison (DH-3834)
LOWEY DANNENBERG
COHEN & HART, P.C.
One North Broadway, Suite 509
White Plains, NY 10601
T 914.997.0500
F 914.997.0035

Edward W. Ciolko (*pro hac vice*)
Peter A. Muhic (*pro hac vice*)
Tyler S. Graden (*pro hac vice*)
KESSLER TOPAZ
MELTZER & CHECK, LLP
280 King of Prussia Road
Radnor, PA 19087
T 610.667.7706
F 610.667.7056

Shanon J. Carson (*pro hac vice*)
scarson@bm.net
Patrick Madden (*pro hac vice*)
pmadden@bm.net
BERGER & MONTAGUE, P.C.
1622 Locust Street
Philadelphia, PA 19103
T 215.875.4656
F 215.875.4604

/s/ Rodger L. Eckelberry

Mark A. Johnson (*pro hac vice*)
mjohnson@bakerlaw.com
Rodger L. Eckelberry (*pro hac vice*)
reckelberry@bakerlaw.com
Joseph E. Ezzie (*pro hac vice*)
jezzie@bakerlaw.com
Robert J. Tucker (*pro hac vice*)
rtucker@bakerlaw.com
BAKER HOSTETLER LLP
65 East State Street, Suite 2100
Columbus, OH 43215
T 614.228.1541
F 614.462.2616

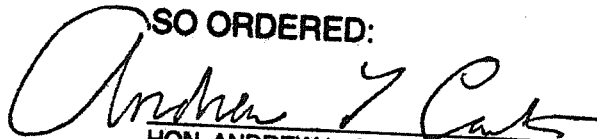
Lauren J. Resnick
lresnick@bakerlaw.com
BAKER HOSTETLER LLP
45 Rockefeller Plaza
New York, NY 10111
T 212.589.4200
F 212.589.4201

*Attorneys for Defendants
American Modern Insurance Group, Inc.
and American Modern Home Insurance
Company*

Brett Cebulash
bcebulash@tcllaw.com
Kevin S. Landau
klandau@tcllaw.com
TAUS, CEBULASH & LANDAU, LLP
80 Maiden Lane, Suite 1204
New York, NY 10038
T 212.931.0704
F 212.931.0703

Jeffery J. Angelovich
Michael B. Angelovich
Brad Seidel
Christopher R. Johnson
NIX PATTERSON & ROACH, LLP
205 Linda Drive
Daingerfield, TX 75638
T 903.645.7333
F 903.645.4415

*Attorneys for Plaintiffs
Jimmy Lyons, Jacqueline Lyons, and
Sheila Heard*

SO ORDERED:

HON. ANDREW L. CARTER, JR.
UNITED STATES DISTRICT JUDGE
10-20-15

CERTIFICATE OF SERVICE

On October 13th, 2015, I electronically filed the foregoing with the Clerk of the United States District Court for the Southern District of New York through the CM / ECF system, thereby automatically serving all registered parties.

/s/ Rodger L. Eckelberry
Rodger L. Eckelberry